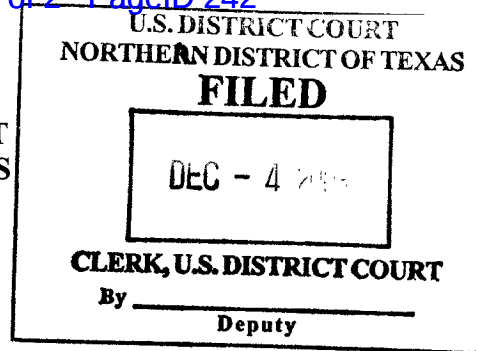


ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**



KEITH B. BURKINS

Plaintiff,

ROGER A. RUDLOFF, ET AL.

Defendant.

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CIVIL ACTION NO. 3-00CV2377-M

N (AH)

**DEFENDANT'S UNOPPOSED MOTION FOR LEAVE
TO TAKE DEPOSITION OF PERSON CONFINED IN PRISON**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DEFENDANT, ROGER A. RUDLOFF, a Defendant in the above-styled and numbered cause of action and moves the Court, pursuant to Fed.R.Civ.P. 30 to grant the Defendant leave to take the oral deposition of Keith B. Burkins and would show unto the Court the following:

MOTION

Plaintiff is a prisoner confined in the Robertson Unit in Abilene, Texas. Plaintiff has knowledge of the facts underlying his claims against Defendant Roger A. Rudloff. As such, it is necessary for Defendant to depose the Plaintiff to adequately prepare his case. Discovery is set to close in this matter on January 5, 2004. Accordingly, Defendant requests that this Court issue an Order granting Defendant Rudloff the right to depose Plaintiff prior to the expiration of the discovery deadline.

This Motion will not prejudice the Plaintiff as Plaintiff is unopposed to the present Motion. Furthermore, this Motion is not made for delay but so that justice may be served.

Respectfully submitted,

WHITE & WIGGINS, L.L.P.



KEVIN B. WIGGINS

Bar Card No. 21441600

TRACEY R. WALLACE

Bar Card No. 00797617

1999 Bryan Street, Ste. 3470

Dallas, Texas 75201

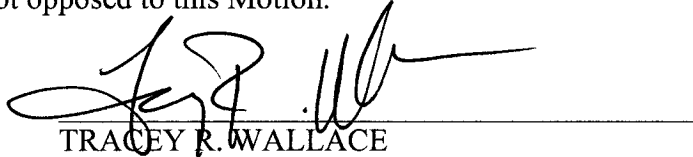
(214) 665-4150

(214) 665-4160 (Facsimile)

**ATTORNEYS FOR DEFENDANT
OFFICER ROGER RUDLOFF**

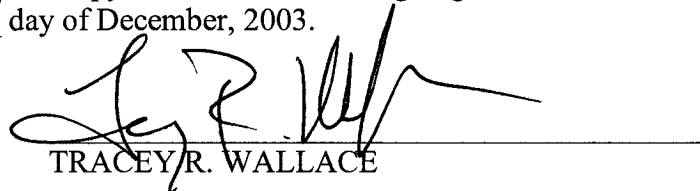
CERTIFICATE OF CONFERENCE

I hereby certify that on December 3, 2003, I discussed the contents of Defendant's Motion with Counsel for Plaintiff. Plaintiff is not opposed to this Motion.


TRACEY R. WALLACE

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to all parties of record on this the 4th day of December, 2003.


TRACEY R. WALLACE